IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5350 OF 2005

Nandu Dattaray Matker ... Petitioner

Versus

State of Maharashtra & anr. ... Respondents

Smt. A. P. Madhuri for Petitioner.

Mrs. S.S. Bhende, A.G.P. for Respondent.

CORAM : F.I. REBELLO &
DR.D.Y.CHANDRACHUD,JJ.
DATED : OCTOBER 26, 2005

P.C.

. Rule. Heard forthwith.

. The Petitioner is an owner of a heavy motor vehicle purchased in the year 1999 and registered with the RTO at Thane (Registration No. MH-04 H 1305). The vehicle has unauthorizedly been plied within the municipal limits of the Municipal Corporation of Greater Mumbai and was detained by the office of the Regional Transport Officer, Mumbai West, Andheri. The plying of the vehicle in Mumbai is clearly in violation of the order passed by a Division Bench of this Court in Writ Petition

No. 1762 of 1999 on 3rd March, 2004. We are constrained to take a serious note of the repeated violations of the order of the Division Bench which are taking place. A large number of matters have come up before this Court almost every week since the Court resumed after the Summer Recess on 6th June, 2005. Though initially this Court had directed the release of vehicles involved in violations of the order against the deposit of an amount of Rs.10,000/-, the repeated violations that have been brought to the notice of the Court since then, have constrained us to direct that the amount that should be deposited should be suitably increased as a deterrent. We are of the view that unless a deterrent is imposed, the judgment of the Division Bench which is based on sound considerations of public interest and public health will be violated with impunity. In the facts of the present case, we direct a deposit of Rs.20,000/- with the Chief Minister's Relief Fund.

2. In these circumstances, this petition is disposed of by directing the Petitioner to deposit with the Chief Minister's Relief Fund an amount of

rs.20,000/-. The Petitioner shall deposit this amount with the Second Respondent who shall, in turn forward the amount to the Chief Minister's Relief Fund. The Petitioner shall file an undertaking before the Second Respondent that the vehicle shall not, hereafter, be plied within the Municipal limits of Greater Mumbai. The Second Respondent shall subject to compliance with the aforesaid conditions release the vehicle only for one journey within the Municipal limits of Greater Mumbai so as to enable the Petitioner to take the vehicle outside the Municipal limits.

3. The Petition is accordingly disposed of. There shall be no order as to costs.

(F.I. REBELLO,J.)

(DR.D.Y.CHANDRACHUD,J.)